

REMARKS

The Applicants respectfully request further examination and consideration of the claims in view of the above amendments and the arguments set forth fully below. Claims 1-20 were pending in this application. Within the Office Action, Claims 1, 2, 7 and 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,643,981 which issued February 7, 1987 to Card (hereinafter Card). Claims 3-6 and 19 stand rejected under 35 U.S.C. §103(a) as being anticipated by Card in view of U.S. Patent No. 5,636,233 which issued June 3, 1997 to Levinson (hereinafter Levinson). Claim 9 stands rejected under 35 U.S.C. §103(a) as being anticipated by Card in view of U.S. Patent No. 4,909,932 which issued May 20, 1990 to Monnet (hereinafter Monnet). Claims 11-20 are allowed. No claims are withdrawn or cancelled by this response. Accordingly, Claims 1-20 remain pending in this application.

Rejection of Claims 1, 2, 7 and 8 Under 35 U.S.C. § 102(b)

Within the Office Action Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Card. The Applicant respectfully traverses this rejection.

The present invention is directed to a press filter for use in a vessel to separate infusion material from an infused liquid. The vessel has a cross-section dimension which varies according to the distance from the opening such that the vessel has a plurality of dimensions. The filter is configured to maintain contact with the interior of the vessel for each of the plurality of dimensions.

The vessel is described as a conventional stackable beverage cup, such as a disposable paper coffee cup. As is well known, paper coffee cups are stacked in a nested fashion, one inside of the next to provide a large number of cups in a relatively small volume, usually disposed in a stack. To accomplish this, it is also well known that conventional coffee cups are at least 35% small at the bottom than at the top. Cups from Starbucks are between 40% and nearly 50% smaller at the bottom than at the top.

Cup	top diameter	bottom diameter	percent change
Starbucks Tall	3 1/16	2 3/16	≈ 40%
Starbucks Grande	3 1/4	2 3/16	≈ 48.5%
Starbucks Vente	3 1/4	2 5/16	≈ 40.5%

Such dimensions are extremely well known in the art and do not constitute new matter.

The Card reference teaches a filter assembly of two semi rigid layers 18 and 20 with a filter 17 mounted therebetween for a sample container 11 such as a test tube. In contrast to the coffee cups used in the present invention, the Card reference teaches that the walls of the test tube are "preferably slightly internally tapered to converge toward the closed end 12, but which tube may also be of uniform internal bore dimensions." (Col. 3, lines 60-64). **Thus, Card teaches substantially less variation in internal dimensions than for the present invention.** Claims 1 and 7 are amended to include that the dimensions vary at least 35%, which is substantially more than could be achieved with the Card construction using semi rigid layers. For at least these reasons, claims 1 and 7 are allowable over the cited prior art including Levinson.

Claims 2-6 depend from allowable claim 1. As such, claims 2-6 are also in a condition for allowance. Claims 8-10 depend from allowable claim 7. As such, claims 8-10 are also in a condition for allowance.

Allowed Claims The Applicant gratefully acknowledges that claims 11-20 are in a condition for allowance.

For the reasons given above, the Applicants respectfully submit that the Claims 1-20 are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: 8-21-06

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